

SEP 04 2003

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON

U.S. COURT OF APPEALS

JAMES DARRELL SHORTT,

Petitioner - Appellant,

v.

ERNIE ROE, Warden; ATTORNEY
GENERAL OF THE STATE OF
CALIFORNIA,

Respondents - Appellees.

No. 01-57181

D.C. No. CV-99-03806-WJR
Central District of California,
Los Angeles

ORDER

Before: GOODWIN, RYMER, and McKEOWN, Circuit Judges.

The memorandum disposition filed May 28, 2003 is amended as follows:

1. On second page, insert the following after the second paragraph of the memorandum disposition: "We leave to the district court to determine the timeliness of Shortt's petition under Ford v. Hubbard, 305 F.3d 875 (9th Cir. 2002), amended by 2003 WL 2109554 (9th Cir. May 15, 2003)."

With the foregoing amendments to the memorandum disposition, the panel votes to deny the petition for rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petition for panel rehearing and the petition for rehearing en banc are DENIED.